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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,256	07/30/1999	EDDIE SINES	79.955	9195

7590

08/12/2002

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EXAMINER

PEREZ, GUILLERMO

ART UNIT

PAPER NUMBER

2834

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/364,256

Applicant(s)

SINES, EDDIE

Examiner

Guillermo Perez

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 8, 2002 has been entered.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanai (JP 402290138A) in view of Fitter (U. S. Pat. 4,897,626).

Kanai discloses a method for cooling an electrical device having layers of electrically conductive material (10) wound on to a laminated core (2) having a heat generating component (10) comprising the steps of:

placing one or more flat, thermally conductive strips (11) in contact with the heat generating component (10) across its entire length, each of the thermally conductive strips (11) extending outside of the area covered by the electrically conductive material

(10) and core (2) and in physical contact with the electrically conductive material (10), thereby receiving heat from the electrically conductive material (10), and removing heat from the thermally conductive strips (11).

However, Kanai does not disclose that the thermally conductive strips are of a non-metallic material.

Fitter discloses that the thermally conductive strips are of a non-metallic material (column 2, lines 28-30). Fitter's invention has the purpose of improving thermal conductivity in the coils.

It would have been obvious at the time the invention was made to modify the method for cooling electrical devices of Kanai and provide it with the non-metallic strips of Fitter for the purpose of improving thermal conductivity in the coils.

2. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oigawa (EP 0462005) in view of Fitter.

Oigawa discloses a method for cooling electrical devices (figure 6) having layers of electrically conductive material (101) wound on a core (211) comprising the steps of:

placing a thermally conductive strip (110) having a first end and a second end, capable of conducting heat from between layers of the electrically conductive material (101), with the strip (110) extending through at least some of the layers of electrically conductive material (101) wound on the core (211) with both the first end and the second end extending outside of an area covered by the layers of electrically conductive material (101); and

conducting the heat from the layers of electrically conductive material (101) through the first and second ends of the thermally conductive material (110) thereby cooling the electrical device. Oigawa discloses the step of placing the thermally conductive strip (110) having a first and second end between a plurality of predetermined laminations (109) of the core.

However, Oigawa does not disclose that the thermally conductive strips are of a non-metallic material. Oigawa does not disclose that the first and second ends of the non-metallic thermally conductive strip extending outside the core.

Fitter discloses that the thermally conductive strips (40) are of a non-metallic material (column 2, lines 28-30). Oigawa does not disclose that the first and second ends of the non-metallic thermally conductive strip (40) extending outside the core (46,48). Fitter's invention has the purpose of improving thermal conductivity in the coils.

It would have been obvious at the time the invention was made to modify the method of Oigawa and provide it with the non-metallic strips configuration disclosed by Fitter for the purpose of improving thermal conductivity in the coils.

3. Claims 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oigawa in view of Fitter and further in view of Jarczynski (U. S. Pat. No. 5,091,666).

Oigawa discloses an electric motor (figure 6) comprising;  
one or more laminations of a metallic material (109) forming an outer casing of the electric motor;

one or more flat, thermally conductive disks (110) positioned between the laminations (109) for conducting heat generated by an electrical current flowing within the motor through the conductive disks (110);

an electrically conductive material (101) wound in a plurality of layers within the laminations (109) so as to form an electric field that drives an armature when an electrical current is applied;

thermally conductive strips (110) placed between preselected layers of the electrically conductive material (101), the thermally conductive strip (110) extending outside of the area covered by the electrically conductive material (101); and

means for conducting heat at the end of each of the non-metallic thermally conductive disks and the thermally conductive strips (110) thereby cooling the motor.

Fitter discloses that the thermally conductive strips are of a non-metallic material (column 2, lines 28-30). Fitter's invention has the purpose of improving thermal conductivity in the coils.

Jarczynski discloses means (46, 26, 28) for conducting heat at the end of the conductive disk and strips (36). Jarczynski discloses one or more thermocoolers (26,28,46) adjacent to and touching the outer casing of the motor (24) to conduct heat from the metallic laminations (34) forming the outer casing of the motor. Jarczynski's invention have the purpose of removing heat created in the motor structure towards the atmosphere.

It would have been obvious at the time the invention was made to modify the electric motor of Oigawa and provide it with the non-metallic thermally conductive strips

disclosed by Fitter. It would have also been obvious to provide the electric motor of Oigawa with the means for conducting heat disclosed by Jarczynski for the purpose of improving cooling performance in the stator structure, dissipating heat from the coils, and removing heat created in the motor structure towards the atmosphere.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the thermally conductive strips in the stator core or in the windings of a non-metallic material since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

### ***Response to Arguments***

Applicant's arguments with respect to claims 18-22 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the two ends projecting from the peripheral surface of the field winding) are not recited in the rejected claim 21. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

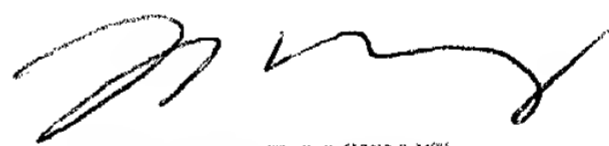
In response to Applicant's remark that Fitter does not show a non-metallic conductive plate, it must be noted that Fitter teaches the use of either a metal or a non-metal (ceramic material) to make the thermally conductive plates.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

  
NESTOR RAMIREZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Guillermo Perez  
August 8, 2002